

REMARKS

Referring to the Examiner's assertion that the Oath or Declaration is defective in paragraph 9 on page 5 of the Office Action, it is believed this position is in error. The Declaration submitted with this application, which is a continuation of parent application Serial No. 09/927,697, was the original Declaration for the parent application. Consequently, that Declaration did not mention the serial number because it was not known at the time of submission. Rather, the original parent application was submitted with that Declaration attached. Consequently, the Declaration does not need to identify the application serial number since it had not been assigned on the date the documents were filed.

A reference to the prior application has been inserted into the specification as required in paragraph 10 on page 5 of the Office Action.

Referring to the claim objections, Claim 1 has now been cancelled without prejudice and replaced by new Claim 17 which does not contain the grammatical error noted by the Examiner. Claim 12 was cancelled in a Preliminary Amendment filed on June 13, 2005. Consequently, Claim 12 is not presently in the application so this objection is moot.

Reconsideration and withdrawal of Claim 1 (now Claim 17) and Claims 5-7 under the second paragraph of 35 U.S.C. §112 are requested. The phrase "thickening agent" no longer appears in new Claim 17. The term "aqueous solution" is defined in new Claim 17 since it is defined as comprising carboxymethylcellulose, probe molecules having an amino group, selected from the group consisting of nucleic acid fragments, oligonucleotides and peptide nucleic acids and water and it is further defined as having a viscosity of 2-50 mPa-s.

The objection to the phrase “spotting onto a solid carrier *** in which a number of vinyl sulfonyl groups are fixed in aqueous solution” has been corrected and it is clear that the aqueous solution as defined is spotted onto the solid carrier in a predetermined area thereof. This objection has also been obviated.

The objection to the term “surface active agent” is improper. One skilled in this art fully understands what a “surface active agent” is. This is a well-known class of compounds, the shortened name for which is “surfactant”. The term is neither vague nor indefinite. Nevertheless, Claim 6 has been amended to recite that the surface active agent is sodium dodecyl sulfate as disclosed in the specification at page 17, line 16. Claim 7 has been cancelled thereby obviate the objection thereto.

Reconsideration and withdrawal of the rejection of Claim 1 (now Claim 17) and Claim 6, as amended, as being anticipated by the Sutton, et al. ‘723 patent are requested. As claimed, the invention is directed to a target micro-array for analysis of DNA which has probe molecules on a solid carrier. The probe molecules are bonded to the solid carrier by the reaction of vinylsulfonyl groups fixed to the solid carrier and the amino group which is attached to the probe molecule. The aqueous solution which is to be spotted on the solid carrier contains not only the probe molecules, but also carboxymethylcellulose (CMC). All of the CMC spotted together with the probe molecules are removed by washing after the probe molecules are fixed to the solid carrier by incubation.

The Sutton, et al. reference relied on by the Examiner contains no disclosure whatsoever of the incorporation of carboxymethylcellulose into an aqueous solution containing probe molecules which is a required feature of the invention as claimed. In view of this, the anticipation rejection over Sutton, et al. should be withdrawn.

Reconsideration and withdrawal of the rejection of the claims as amended as being anticipated by Makino, et al. '055 are also requested. The Makino patent has an effective U.S. Filing Date of June 22, 2001. The present application, which is a continuation of U.S. Patent Application Serial No. 09/927,697 was filed on August 9, 2001, and claims priority from Japanese Application No. 2000-241773 filed September 8, 2000 and Japanese Application No. 2001-161199 filed May 29, 2001. (See the original Declaration filed with the parent application).

A sworn translation of these Japanese applications will be forwarded which thereby will obviate this rejection since Makino, et al. is not available as a reference against the present application.

Reconsideration and withdrawal of the rejection of the claims as amended under 35 U.S.C. §103(a) over the Sutton, et al. patent taken with Ebersole, et al. '925 are also requested. As noted hereinabove, Sutton, et al. contains no disclosure whatsoever of the incorporation of carboxymethylcellulose into an aqueous solution containing probe molecules. The same is true of Ebersole, et al. There is no mention of the incorporation of carboxymethylcellulose into an aqueous solution containing probe molecules in Ebersole. Accordingly, this rejection is also untenable and should be withdrawn.

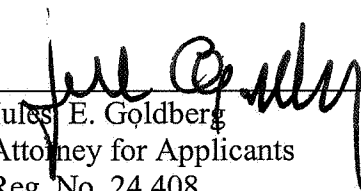
Turning now to the rejection of the claims as amended as being obvious over the combination of Makino, et al. and Ebersole, et al. as set forth in paragraph 21 on page 13 of the Office Action, as noted hereinabove, Makino, et al. is not effective as a reference against the present application based on the Japanese priorities claimed for the present application. Upon receipt of the sworn translation from the Applicants, the undersigned attorney will forward it immediately to the USPTO and this rejection will be obviated.

In view of the foregoing, it is submitted that this application, pending receipt of the sworn translations of the Japanese priority documents, is in condition for allowance and favorable notice to that effect are respectfully requested.

Respectfully submitted,

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